

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

UNITED STATES DISTRICT COURT  
DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NEMETH,

Defendant.

CRIMINAL COMPLAINT

Case Number:

23MJ98-S

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

COUNT ONE

On or about November 11, 2023, in the District of Wyoming, the Defendant, **JAMES NEMETH**, did knowingly, intentionally, and unlawfully possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B).

COUNT TWO

On or about November 11, 2023, in the District of Wyoming, the Defendant, **JAMES NEMETH**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely, a Springfield pistol, bearing serial number XD930946, and the firearm was in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8).

I further state that I am a Special Agent with the HSI and that this complaint is based on the following facts:

*(See attached Sworn Statement)*

Continued on the attached sheet and made a part hereof.



Signature of Complainant

BLAKE PLOWMAN

Sworn and attested by the applicant before me by telephone, bearing a previous signature submitted by email communication in accordance with the requirements of Fed. R. Crim. P.4.1.,

December 21, 2023

Date

at

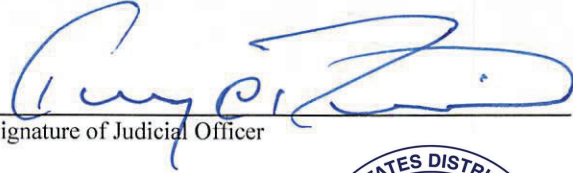
Cheyenne, Wyoming

City and State

HON. KELLY H. RANKIN

Chief United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer



**SWORN STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT  
SPECIAL AGENT BLAKE PLOWMAN  
U.S. v. JAMES NEMETH**

I, Blake Plowman, being duly sworn, state as follows:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI) and have been since December 4, 2022. I am currently assigned to the HSI Office, in Casper, Wyoming. I am a graduate of the Federal Law Enforcement Training Center in Glynco, Georgia. At the Federal Law Enforcement Training Center, I received training in various types of HSI investigations, to include computer forensics and cell phone analysis.

2. During my tenure with HSI, I have participated in the investigation of various narcotics cases involving the distribution of controlled substances into and through the District of Wyoming and Colorado. Through my training, experience, and conversations with other law enforcement officers experienced in narcotics trafficking investigations, I have gained a working knowledge of the operational habits of narcotics traffickers.

4. The information contained within this sworn statement is based upon interviews conducted by me and other officers and investigators; my personal knowledge and observations; my training and experience; and the review of reports, documents, and records.

5. Because this sworn statement is being submitted for the limited purpose of establishing probable cause to show that the Defendant, James NEMETH, committed a violation of federal law, Possession with Intent to Distribute a controlled substance, in violation of 21 U.S.C. § 841, and Felon in Possession of a Firearm in violation of 18 U.S.C. §§ 922 and 924. I have not included each and every fact known concerning this investigation but have set forth only the facts I believe are necessary for this limited purpose.

6. On November 10, 2023, Casper Police Department (CPD) received information from a Confidential Source, hereafter referred to as CS, of a possible suspect selling narcotics out of the Super 8 Motel, located at 739 Luker Lane, Evansville 82609. Casper Police Department officers discovered the name of the possible suspect was James NEMETH. CPD obtained a motel registry for the Super 8 Motel. CPD officer Kauffman observed NEMETH's name on the registry for room number 140.

7. On November 11, 2023, Natrona County Sheriff's Office (NCSO) Deputy Bryant observed NEMETH's vehicle in the parking lot of the Super 8 Motel. Deputy Bryant deployed his K9 partner, K9 Duke conducted a free air sniff around the outside of the vehicle. Deputy Bryant advised CPD Officer Price that K9 Duke demonstrated a positive alert for the presence of a narcotics odor emanating from the vehicle.

8. Officer Price and CPD received permission from the general area manager of the Super 8 to deploy a K9 inside the hotel. Officer Price was aware of the room number registered to NEMETH, but Deputy Bryant was not. Deputy Bryant deployed K9 Duke in the hallway of the Motel. Deputy Bryant allowed his K9 Duke to sniff each door starting at room 110 and continuing to room 154, all doors being on the first floor. Deputy Bryant's, K9 partner, K9 Duke, positively indicated to the presence of a narcotics odor emanating from inside room 140.

9. CPD Officer Price applied for and was granted a search warrant by the Honorable Judge Collier, Circuit Court Judge from the 7<sup>th</sup> Judicial District in the County of Natrona, Wyoming. CPD, Officer Price, Evansville Police Department officers, and NCSO deputies (hereinafter referred to as Agents), executed the search warrant on room 140 of the motel, where NEMETH was discovered by himself. Agents advised NEMETH his Miranda Rights which he stated he understood and waived. CPD, Officer Price, explained to NEMETH they were there to



serve a search warrant. Officer Price asked NEMETH if there was anything inside of the room he needed to worry about, NEMETH stated there was a “pistol.” When Officer Price asked if NEMETH was a prohibited possessor, NEMETH answered, “yes”. Officer Price asked about narcotics in the room and NEMETH advised that there was less than half of a pound of “meth” (methamphetamine). Prior to the room being searched, Officer Price asked NEMETH where the “pistol” was located, and NEMETH advised that the firearm was located “under the covers” (covers of the bed). When Officer Price asked where the “meth” was located, NEMETH advised the methamphetamine was in a shopping bag on the floor. When NEMETH was asked about his prior felony conviction on scene, NEMETH advised he had a prior felony conviction for felony vandalism in 1979 or 1980.

10. Agents found the following items during a subsequent search of the motel room;
  - 9 small, clear, plastic baggies of suspected methamphetamine, all normal selling quantities, were located inside of the shopping bag.
  - A “loaded” syringe containing clear liquid that field tested presumptively positive for the characteristics of methamphetamine, utilizing the Tru-narc system.
  - Agents also located cash inside of an M&M package, on the table, and on NEMETH’s person, totaling approximately \$3,868 dollars.
  - Agents also located a loaded Springfield pistol bearing serial number: XD930946. The firearm was located on the bed in the motel room, under the sheets. The firearm was later confirmed to be stolen through a National Crime Information Center records check.
  - Agents also located various drug paraphernalia inside of the motel room.

- Agents also discovered a dirty straw commonly used to smoke methamphetamine inside of NEMETH's vehicle.

11. The total weight of the small bags of suspected methamphetamine totaled approximately 140 grams without packaging and tested presumptive positive for methamphetamine. The loaded syringe contained approximately .8 grams of suspected liquid methamphetamine and tested presumptive positive for methamphetamine. A criminal history check confirmed NEMETH has prior felony convictions.

12. On November 21, 2023, HSI SA Plowman and DCI SA Birkle conducted an interview with a CS. The CS advised that he/she had purchased methamphetamine from NEMETH before. The CS advised that NEMETH had been selling methamphetamine for approximately one to one and a half months.

13. On December 19, 2023, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), SA Wright, conducted an examination of the seized firearm's information (XD930946). During the examination of the firearm's information (XD930946), SA Wright found the firearm in question was manufactured in Croatia by HS Produkt and imported into the United States by Springfield Inc. in Geneseo, Illinois. SA Wright confirmed the firearm was not manufactured in the state of Wyoming. Based on SA Wright's findings, the seized firearm meets the definition of a firearm as defined in Title 18, United States Code (USC), Chapter 44, Section 921(a)(3).

**END OF SWORN STATEMENT**

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**PENALTY SUMMARY**

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**DEFENDANT NAME:** JAMES NEMETH**DATE:** December 21, 2023**INTERPRETER NEEDED:** No**VICTIM(S):** No**OFFENSE/PENALTIES:****Ct: 1 21 U.S.C. §§ 841(a)(1), (b)(1)(B)**  
(Possession with Intent to Distribute Methamphetamine)5-40 Years Imprisonment  
Up To \$5,000,000 Fine  
Not Less Than 4 Years To Life Supervised Release  
\$100 Special Assessment**Ct: 2 18 U.S.C. §§ 922(g)(1) and 924(a)(8)**  
(Felon in Possession of a Firearm)0-15 Years Imprisonment  
Up To \$250,000 Fine  
3 Years Supervised Release  
\$100 Special Assessment**TOTALS:** 5-55 Years Imprisonment  
Up To \$5,250,000 Fine  
4 Years to Life Supervised Release  
\$200 Special Assessment**AGENT:** Blake Plowman, HSI**AUSA:** Mackenzie R. Morrison, Assistant United States Attorney  
and/or Jonathan C. Coppom, Assistant United States  
Attorney**ESTIMATED TIME OF  
TRIAL:** 1 to 5 days

**WILL THE GOVERNMENT  
SEEK DETENTION IN THIS  
CASE:** Yes

**ARE THERE DETAINERS  
FROM OTHER  
JURISDICTIONS:** No